

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN ANTHONY FAULKNER,

Petitioner,

v.

No. CV 15-0493 MCA/CEG

GERMAN FRANCO, Warden, and
HECTOR H. BALDERAS, New Mexico
Attorney General,

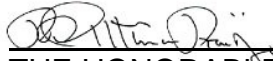
Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's *Proposed Findings and Recommended Disposition* ("PFRD"), filed on November 25, 2015. (Doc. 24). In the PFRD, the Magistrate Judge found that Petitioner John Anthony Faulkner's *Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254*, (Doc. 1), failed to set forth sufficient grounds to demonstrate that he was entitled to federal habeas relief. As a result, the Magistrate Judge recommended that Mr. Faulkner's due process and ineffective assistance of counsel claims be dismissed with prejudice and his cruel and unusual punishment claim be dismissed without prejudice. The parties were notified that written objections to the PFRD were due within fourteen days. (Doc. 24 at 15). No objections have been filed and the deadline of December 14, 2015 has passed. The recommendations of the Magistrate Judge are adopted by this Court.

IT IS THEREFORE ORDERED that Petitioner John Anthony Faulkner's *Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254*, (Doc. 1), be **DISMISSED WITH PREJUDICE** as to the due process and ineffective assistance of claims against Defendant.

IT IS FURTHER ORDERED that Plaintiff's cruel and unusual punishment claim against Defendant be **DISMISSED WITHOUT PREJUDICE**.

A handwritten signature in black ink, appearing to read "M. Christina Armijo", is positioned above a horizontal line.

THE HONORABLE M. CHRISTINA ARMIJO
CHIEF UNITED STATES DISTRICT JUDGE